

00- R-1706

(Do Not Write Above This Line)

RESOLUTION

CITY UTILITIES COMMITTEE

AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ATLANTA HOUSING AUTHORITY FOR THE PURPOSE OF EXCHANGING PROPERTY TO COMPLETE WORK REQUIRED FOR CERTIFICATION OF CLOSURE OF THE GUN CLUB ROAD LANDFILL

11/6/00 - FILED

FILED BY
CITY COUNCIL NOV 06 2000

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee
City Utilities

Date
10-31-00

Chair
Alan Challe

Action:
Fav, Adv, Hold (see rev. side)

Other:
None

Members
[Signatures]

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
NOV 6 2000

ATLANTA CITY COUNCIL

[Signature]

CERTIFIED
NOV 06 2000

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

**CITY COUNCIL
ATLANTA, GEORGIA**

RESOLUTION

00- R-1706

CITY UTILITIES COMMITTEE

AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ATLANTA HOUSING AUTHORITY FOR THE PURPOSE OF EXCHANGING PROPERTY TO COMPLETE WORK REQUIRED FOR CERTIFICATION OF CLOSURE OF THE GUN CLUB ROAD LANDFILL

WHEREAS, ordinance #99-O-1057 adopted by City Council on July 6, 1999 and approved by the Mayor on July 12, 1999 authorized negotiations with owners for acquisition of real property required for the certification of closure of the City's landfills; and

WHEREAS, certain real property, currently owned by the Atlanta Housing Authority is required and desirable for the City to acquire for certification of landfill closure; and

WHEREAS, the Atlanta Housing Authority has indicated a willingness to negotiate a property exchange; and

WHEREAS, to facilitate the exchange of property and obtain the Federal Housing Urban Development approval it is desirable to negotiate and enter into an intergovernmental agreement with the Atlanta Housing Authority;

WHEREAS, the exchange of property will enhance the City's plans for development of the North West corridor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, That the City Attorney, or her designee, in consultation with the Bureau of Purchasing and Real Estate and Department of Public Works, and Department of Planning is hereby authorized to negotiate, prepare and enter into an intergovernmental agreement for the purpose of exchanging property to obtain the required certification of closure for the Gun Club Road landfill and for other related purposes.

BE IT FURTHER RESOLVED, That, in the event said negotiations fail, the City Attorney or her designee is hereby authorized and directed to acquire such properties through condemnation procedures.

BE IT FURTHER RESOLVED, That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A SUBSTITUTE ORDINANCE

BY CITY UTILITIES COMMITTEE

Attachment to
98-0-1057 90-K-1702
for
Reference
Purpose

**AUTHORIZING NEGOTIATIONS AND CASH SETTLEMENT FOR THE
ACQUISITION OF REAL PROPERTY AND PERMANENT AND CONSTRUCTION
EASEMENTS, FOR THE PURPOSE OF COMPLETING WORK REQUIRED FOR
THE CLOSURE OF THE KEY ROAD, CASCADE ROAD, GUN CLUB ROAD AND
EAST CONFEDERATE LANDFILLS.**

WHEREAS, a resolution adopted by the City Council on December 21, 1992, required the closure of the Gun Club Road Sanitary landfill; and

WHEREAS, a resolution adopted by the City Council on June 16, 1997, and approved by the Mayor on June 18, 1997 authorized the Mayor acting on behalf of the City to execute consent orders and amended consent orders issued by the Georgia Environmental Protection Division for the purpose of closing the Key Road, Cascade Road and East Confederate Sanitary landfill; and

WHEREAS, the Georgia Environmental Protection Division requires that these closures be completed no later than September 26, 1999; and

WHEREAS, the City will be required to maintain the closed City landfills for a minimum of thirty (30) years in accordance with the Rules and Regulations of the Georgia Department of Natural Resources; and

WHEREAS, in the interest of public health and safety it is necessary that these landfills be properly closed and maintained; and

WHEREAS, to complete the work necessary for the closure of the City's Sanitary Landfills now and for the entire thirty year maintenance period, permanent and construction easements and/or property acquisitions will be required; and

WHEREAS, a resolution adopted by the City Council on February 1, 1999, and approved by the Mayor on February 9, 1999, authorized the Mayor to conduct appraisals to establish fair market value of said properties.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the City Attorney or her designee, in consultation with Bureau of Purchasing and Real Estate and Department of Public Works, is hereby authorized to negotiate with the owners of properties, located adjacent to the Key Road, Cascade Road, Gun Club Road, and East Confederate landfills to acquire the necessary properties or easements and to provide reasonable compensation.

Section 2: That in the event said negotiations fail, the City Attorney or her designee is hereby authorized and directed to acquire such properties through condemnation procedures.

2923
K. James
to
00-8-170

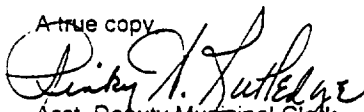
Section 3: That given the narrow window of opportunity to accomplish the necessary acquisitions and construction, the City Attorney or her designee, and all appropriate City of Atlanta departments are directed to incorporate flexibility, and to act expeditiously in accomplishing the necessary activities, up to and including contracting with outside firms and organizations, to assist in completion the activities.

Section 4: That the City's outside consultants and their subconsultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent(10%) above the estimated just compensation. The outside consultants and their subconsultants are authorized to offer an amount not to exceed \$250.00 more than the estimated just compensation in cases where the estimated just compensation is less than \$2,500.00. That the purchasing agent is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed these limitations which the City's consultants cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed: (a) 20% above the estimated just compensation of affected properties; or (b) \$500.00 in those cases where the estimated just compensation is less than \$2,500.00, or whichever is greater.

Section 5: That all costs in connection herewith are to be charged to and paid from Fund, Account, and Center Numbers: Key Road landfill: 2L22 574001 M31H020591AB; Cascade Road landfill: 2L22 574001 M31H020691AB; Gun Club Road landfill: 1C28 574001 M31H020491AA; East Confederate landfill: 2L22 524001 M31H020791AB.

Section 6: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy


Shirley A. Suttledge
Asst. Deputy Municipal Clerk

ADOPTED by the City Council
APPROVED by the Mayor

July 06, 1999
July 12, 1999